



GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Fishermen Co-operative Societies – Appeal Petition filed by Sri Eedula Pedda Yadagiri and another member of Fishermen Marketing Cooperative Society(Reg. No. 9/Q.F.C/1975), Moosi Project, Nakirekal Mandal, Nalgonda District against elections to the said Society – Orders - Issued.

ANIMAL HUSBANDRY, DAIRY DEVELOPMENT & FISHERIES (F.II) DEPARTMENT

G.O.(Rt) No. 206

Dated.15.5.2012.
Read:

From Sri Eedula Pedda Yadagiri, FMCS, Nakirekal, Nalgonda district Appeal Petition dt.22.2.2012 received through Hon'ble M(AH,DD, F & VU) Endt.No.58/M(AH,DD, F&VU)/2012 dated.23.02.2012.

ORDER:

In the reference read above, Sri Eedula Pedda Yadagiri, and another of the Fishermen Marketing Cooperative Society (Reg. No. 9/Q.F.C/1975), Moosi Project, Nakirekal Mandal, Nalgonda District, have filed an appeal / revision before Government requesting to stop the election process and removal of bogus members and preparation of the clear voters list of the Society as per the A.P.C.S. Act, 1964.

2. The appeal / revision petition relates to postponement of election process basing on a membership dispute of Fishermen Marketing Cooperative Society (Reg. No. 9/Q.F.C/1975), Moosi Project, Nakirekal Mandal, Nalgonda District. Rule 22-C of A.P. Cooperative Societies Rules,1964 contemplates that the Government may direct the postponement of elections under one or more of the following circumstances:-

- i) Breakdown of law and order affecting the peaceful and lawful conduct of election;
- ii) Any natural calamity that prevents the conduct of elections particularly voters from participation in the election; and
- iii) where there is reasonable apprehension that voter will not be allowed to vote frankly and freely.

3. As per section 77 of the A.P.C.S Act, 1964, Government may exercise the power of revision in respect of any proceedings not being a proceeding in respect of which an appeal to the Cooperative Tribunal is provided under sub section (1) of section of 76 of the said Act. Further, section 76 (1) relates to Appeal to the Tribunal, which inter-alia provides that "...any person or society aggrieved by any decision passed or order made under Section 19 and 62, etc., may appeal to the Tribunal constituted under section 75 of the said Act,1964".

4. The revision / appeal petition does not reveal any condition on circumstances which justify invoking Rule 22 C of the APCS Act 1964. Further the membership disputes referred to in the appeal / revision as a ground for postponement of election does not fall within the scope of Section 77 of the Act.

5. In view of the above circumstances, Government after careful examination of the appeal / revision petition filed before the Government and in the light of the above provisions of the said Act and rules, have come to conclusion that the dispute in respect of membership of the Society raised in the petition attracts section 61 of the A.P.C.S Act,1964 for which appellate jurisdiction lies with the Cooperative Tribunal under section 76 of the said Act. No case is also made out to stay elections as per the provision of the rule 22-C of the A.P. Cooperative Rules, 1964. Therefore the appeal / revision petition filed by Sri Eedula Pedda Yadagiri and an others is liable to be dismissed.

6. Accordingly, Government hereby dismiss the appeal /revision petition filed by Sri Eedula Pedda Yadagiri, and another of the Fishermen Marketing Cooperative Society (Reg. No. 9/Q.F.C/1975), Moosi Project, Nakirekal Mandal, Nalgonda District.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.BHALE RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri E.Pedda Yadagiri & Yada Venkanna,
Members Fishermen Marketing Cooperative Society,
Moosi Project, Nakirekal Mandal,
Nalgonda District.

The Advocate of the Petitioner.

[M/s M. Vidyavathi and]
[Mr. E. Anjana Reddy,]
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Hyderabad.
Copy to :-
The Commissioner of Fisheries, A.P.Hyderabad.
P.S to Minister (AH,DD,F & VU)
Sf/Sc.

// FORWARDED :: BY ORDER //

SECTION OFFICER